
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEITH FETSURKA;	:	Civil Rights Complaint
TIMOTHY SIECK;	:	42 U.S.C. § 1983
NICOLAS DEFINA;	:	
ANDREW SCOTT; and,	:	
FIREARMS POLICY	:	
COALITION, INC.,	:	
Plaintiffs	:	
	:	
v.	:	Case No. – 2:20-cv-05857
	:	
DANIELLE OUTLAW,	:	
Philadelphia Police Commissioner;	:	
CITY OF PHILADELPHIA,	:	
PENNSYLVANIA; and,	:	
COL. ROBERT EVANCHICK,	:	
Commissioner of Pennsylvania	:	
State Police,	:	
Defendants	:	

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO
DEFENDANTS’ MOTION TO DISMISS**

COME NOW Plaintiffs Keith Fetsurka, Timothy Sieck, Nicolas Defina, Andrew Scott, and Firearms Policy Coalition, Inc., by and through their counsel, hereby respectfully request this Honorable Court to grant a two (2) week extension to file a response to Defendant Danielle Outlaw and Defendant City of Philadelphia, Pennsylvania’s motion to dismiss, and aver in support as follows:

1. On December 14, 2020, Defendant Danielle Outlaw and Defendant City of Philadelphia, Pennsylvania (collectively “City Defendants”) filed a motion to

dismiss, brief in support, and supporting declaration. *See* ECF Docs. 29 and 29-1.

2. During a telephonic conference with City Defendants counsel to discuss settlement, Attorney Raymond DiGuiseppe noted that the City Defendants had filed a motion to dismiss, questioning the City Defendants commitment to resolving the matter.
3. In response, Attorney Kristin Bray represented that the City Defendants filed the motion to dismiss in order to preserve their right as they were required to do so by the federal rules of civil procedure and that the City was still interested in pursuing a settlement.
4. On December 18, 2020, the undersigned submitted a Motion to Continue Hearing on Plaintiffs' Motion for Preliminary Injunction (ECF Doc. 32) which this Court granted (ECF Doc. 33).
5. As the undersigned represented in that motion, that evening, Plaintiffs provided City Defendants' counsel with a copy of a proposed settlement agreement in Word format to enable the parties to directly edit the document in order to speed up the process of attempting to come to final terms on an agreement.
6. Given the holiday season and the parties' continuing efforts to reach a settlement agreement that would resolve the case without the need for further

litigation, Plaintiffs respectfully request a two (2) week extension to reply to City Defendants' motion to dismiss, making their response due on or before January 11, 2021.

7. Counsel for Col. Robert Evanchick was contacted and informed the undersigned that they would not oppose this motion.
8. Counsel for the City Defendants were contacted on Monday, December 22, 2020 to obtain their position on this motion. As of the filing of this motion, City Defendants have not informed the undersigned of their position, thus the undersigned cannot represent whether the City Defendants join, oppose, or take no position on the instant motion.

WHEREFORE, Plaintiffs' respectfully request that this Honorable Court extend the time in which they have to respond to City Defendants' motion to dismiss to January 11, 2021.

Respectfully Submitted,

/s/ Adam Kraut
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